

2012 ADDENDUM 4 OF THE FLAGSTAFF EMPLOYEE HANDBOOK OF REGULATIONS

1-10-011 EQUAL EMPLOYMENT OPPORTUNITY POLICY

It is the policy of the City of Flagstaff to ensure equal employment opportunity to all qualified persons based solely upon an individual's ability to perform the essential functions of the job without discrimination or harassment on the basis of race, color, religion, sex, pregnancy, national origin, age, disability, genetic information, sexual orientation, gender identity, veteran's status or any other status protected by law. Federal definitions may be found by visiting the resource links provided below.

The City's equal employment policy applies to all human resources related activities such as recruitment and hiring, compensation, benefits, promotions, transfers, reductions in force, City-sponsored training, termination and all other terms and conditions of employment.

Employment discrimination based upon an employee's race, color, sex, religion or national origin is a violation of Title VII of the Civil Rights Act of 1964, as amended while discrimination based upon an employee's disability is a violation of the Rehabilitation Act of 1973, American with Disabilities Act of 1990 and the Americans with Disabilities Amendment Act of 2008. Age discrimination is a violation of the Age Discrimination in Employment Act of 1967 as amended.

The Human Resources Division has overall responsibility for this policy and maintains reporting and monitoring procedures. The Human Resources Director or designee is designated as the City's Equal Employment Opportunity Officer and the Affirmative Action Officer. The Human Resources Director or designee will be available to all employees and applicants to handle any matters regarding Equal Employment Opportunity.

Disciplinary action may be taken against any employee willfully violating this policy, up to and including termination.

Sexual orientation and gender identity are currently not protected by State or Federal Law, so the City has adopted the following definitions for the purposes of City policy.

- A. Sexual orientation refers to whether a person is romantically or sexually attracted to other adults of a different sex, the same sex, or both.
- B. Gender identity is an individual's inner sense of belonging to a particular sex, male or female, regardless of whether this corresponds to his or her anatomical sex.

Links: [Title VII of the Civil Rights Act of 1964](#)
[Pregnancy Discrimination Act of 1978](#)
[Rehabilitation Act of 1973](#)

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[American with Disabilities Act of 1990](#)

[Americans with Disabilities Amendment Act](#) of 2008

[Age Discrimination in Employment Act](#) of 1967

[Genetic Information Non-Discrimination Act of 2008](#)

1-10-012. AFFIRMATIVE ACTION

The U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) requires Federal contractors and subcontractors take affirmative action to recruit and advance qualified minorities, women, persons with disabilities, and covered veterans. As a government contractor the City has developed an Affirmative Action Program (AAP). The program is a tool designed to ensure equal employment opportunity in policies, practices and procedures relating to recruitment and hiring, advancement and all other terms and conditions of employment.

A. RESPONSIBLE PARTIES

1. The City Manager, as chief executive, is responsible for oversight of the Affirmative Action Program (AAP) to ensure compliance.
2. The Human Resources Director or designee is the City's Affirmative Action Officer (AAO) responsible for the design and effective implementation of the AAP by:
 - a. Developing Equal Employment Opportunity (EEO) policy statements and affirmative action plans.
 - b. Maintaining workforce, job group and utilization analysis every other year with the completion of the EEO-4. The EEO-4 is a survey completed biennially in every odd-numbered year. Under the Title VII of the Civil Rights Act of 1964, the Equal Employment Opportunity Commission requires workforce data from local governments with 100 or more employees. The City provides information on employment totals, employees' job category and salary by sex and race/ethnic groups as of June 30 of the survey year.
 - c. Assisting in the identification of potential AAP/EEO problem areas.
 - d. Assisting management in arriving at effective solutions to AAP/EEO problems.
 - e. Designing and implementing an internal audit and reporting system that measures the effectiveness of the program and identifies the need for remedial action.

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- f. Informing the City Manager of statistical analysis, potential AAP/EEO problem areas and program progress on a quarterly basis.
 - g. Training supervisors on the AAP and related personnel policies.
 - h. Maintaining equal employment postings on the company's bulletin board to ensure information is up-to-date.
 - i. Documenting statistical data, applicant flow logs, summary of personnel actions such as new hires, promotions, resignations, terminations and layoffs, and records pertaining to the classification and compensation system.
 - j. Serving as liaison between the City and enforcement agencies, groups, or organizations concerned with Equal Employment Opportunity.
- 3. Division Director, Section Heads and Supervisors will assist with the implementation of the Affirmative Action Program (AAP) by:
 - a. Identifying problem areas, formulating solutions, and establishing goals and objectives within their respective areas when necessary. All area specific plans will be published on the [Human Resources website](#).
 - b. Reviewing the qualifications of all applicants and employees to ensure qualified individuals are treated in a nondiscriminatory manner when hiring, promotion, transfer and termination actions occur.
 - c. Conducting regular evaluations of an employee's job performance to assess whether personnel actions are justified based on the employee's performance of his or her duties and responsibilities.

B. AFFIRMATIVE ACTIONS

The City's Affirmative Action Plan is on file with the Human Resources Director's Office. The plan includes but is not limited to the following measures to eliminate potential AAP/EEO problem areas.

- 1. Conducting ongoing analyses of job descriptions to ensure they accurately reflect job functions.
- 2. Training hiring supervisors on proper interview techniques and equal employment opportunity to ensure the selection process is free from bias.
- 3. Including "Equal Opportunity/Affirmative Action Employer" in all printed employment advertisements and vacancy announcements.

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4. Placing employment advertisements, when appropriate, in local minority news media and women's interest media.
5. Requesting employment agencies to refer qualified minorities and women.
6. Ensuring all employees are given equal opportunity for promotion by posting promotional opportunities and offering assistance to employees in identifying training and education opportunities to enhance promotional opportunities.

Links: [U.S. Equal Employment Opportunity Commission](#)
[U.S. Department of Labor – Office of Federal Contract Compliance Programs](#)

1-10-013 NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY

The City of Flagstaff is committed to a work environment in which all individuals are treated with respect and dignity. The purpose of this policy is to establish expectations for employee conduct within the workplace and to provide a complaint process for employees who feel as if they have been discriminated against or harassed within the workplace by anyone.

Each employee of the City is expected to refrain from discrimination, harassment and retaliation within the workplace, and shall treat all persons (including but not limited to co-workers, third parties and the public) with respect and dignity. Any individual employee who violates these guidelines and engages in prohibited conduct will be subject to appropriate disciplinary action up to and including termination.

It is the policy of City of Flagstaff to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, sex, pregnancy, national origin, age, disability, genetic information, sexual orientation, gender identity, veteran's status or any other characteristics protected by law. The City prohibits and will not tolerate any such discrimination or harassment.

A. DEFINITIONS

1. Discrimination means to exclude individuals from an opportunity or participation in any activity because of race, color, religion, sex, pregnancy, national origin, age, disability, genetic information, sexual orientation, gender identity, veteran's status, familial status, caregiving responsibilities, and occurs whenever similarly situated individuals of a different group are accorded different and/or unequal treatment in the context of a similar situation.
2. Harassment is unwelcomed conduct related to race, color, religion, sex, pregnancy, national origin, age, disability, genetic information, sexual

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orientation, gender identity, veteran's status, familial status, or caregiving responsibilities where such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile or offensive work environment.

3. Hostile work environment is one in which an employee is regularly confronted with offensive conduct, comments, jokes, cartoons or remarks based upon characteristics protected by law, that make it difficult for an employee to perform his or her job. A hostile work environment does not need to be limited to sex-based conduct, and may include conduct or comments based upon race, color, religion, national origin, age, disability, sexual orientation, gender identity or any other characteristics protected by law. Generally the conduct that creates a hostile work environment is repeated behavior which is sufficiently severe or pervasive to affect the terms and conditions of employment.
4. Retaliation is to discriminate against an individual because he or she has opposed any practice made unlawful under the Federal employment discrimination statutes. This protection applies if an individual communicates to his or her employer or to a state or federal agency charged with investigating discriminatory conduct a belief that activity constitutes a form of employment discrimination that is covered by any of the statutes enforced by the Arizona Civil Rights Division of the Arizona Attorney General's office or the Equal Employment Opportunity Commission (EEOC).

B. HARASSMENT

Harassment on the basis of any other protected characteristics is strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, pregnancy national origin, age, disability, genetic information, sexual orientation, gender identity, veteran's status or any other characteristic protected by law that:

1. Has the purpose or effect of creating an intimidating, hostile or offensive work environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
3. Otherwise adversely affects an individual's employment opportunities.
4. Harassing conduct includes, but is not limited to:
 - a. Epithets, slurs or negative stereotyping;

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- b. Threatening, intimidating or hostile acts; or
- c. Denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail).

C. SEXUAL HARASSMENT

1. Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature, when for example:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
2. Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different sex. Depending on the circumstances, these behaviors may include, but are not limited to:
 - a. unwanted sexual advances or request for sexual favors;
 - b. sexual jokes and innuendos;
 - c. verbal abuse of a sexual nature;
 - d. commentary about an individual's body, sexual prowess or sexual deficiencies;
 - e. leering, catcalls or touching;
 - f. insulting or obscene comments or gestures;
 - g. display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail);

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3. For purposes of clarification, sexual harassment or other forms of unlawful harassment include, but is not limited to the following behaviors:
 - a. *Verbal Harassment:* Derogatory comments, propositioning, slurs, or other offensive words or comments on the basis of any protected status; whether made in general, directed to an individual or to a group of people, regardless of whether the behavior was intended to harass. This includes, but is not limited to, inappropriate comments on appearance, including dress or physical features, sexual rumors, code words, and stories.
 - b. *Physical Harassment:* Assault, impeding or blocking movement, leering, or the physical interference with normal work, privacy or movement when directed at an individual on the basis of any protected class status. This includes such behaviors as pinching, patting, grabbing, or making explicit or implied threats or promises in return for submission to physical acts.
 - c. *Visual Forms of Harassment:* Derogatory, prejudicial, stereotypical, or other offensive posters, photographs, cartoons, notes, bulleting, drawings, screensavers, pictures, or articles of clothing that refers to any protected status or characteristic. This applies to posted materials, material maintained in or on City of Flagstaff property or equipment, or personal property in the workplace.
4. Harassment not involving sexual activity or language (e.g. male manager yells only at female employees and not males) may also constitute sex discrimination if it is severe or pervasive and directed at employees because of their sex.

D. INDIVIDUALS AND CONDUCT COVERED

These policies are intended to protect all employees from harassment, discrimination or retaliation whether by fellow employees, by a supervisor or manager or by a third party (e.g. a City contractor, vendor, consultant, customer, or the public).

These policies are also intended to ensure employees treat third parties with respect and dignity.

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside of the workplace, such as during business trips, business meetings and business-related social events.

All complaints of harassment, discrimination and retaliation should be reported as outlined in section 1-40-014 Complaint Policy.

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E. RETALIATION IS PROHIBITED

The City of Flagstaff prohibits retaliation of any kind by an employee, supervisor or manager because an employee filed a complaint or participates in an investigation of a complaint. Retaliation shall be deemed to include, but are not limited to:

1. Disciplining, or changing a work assignment or working conditions; and
2. Threatening promotional opportunities, job securities, benefits, terms of employment or any other service related benefits or privileges.

F. RESPONSIBLE PARTIES

1. The Human Resources Division shall be responsible for formally notifying employees of the City's policy and regularly conducting training on the topics of harassment, discrimination and retaliation.
2. Supervisors and managers are responsible for ensuring that harassment, discrimination, retaliation or other prohibited actions do not occur in the workplace. The supervisor or manager shall immediately report any prohibited behaviors to the Human Resources Director or designee for investigation and possible corrective action. If the subject of the complaint is a supervisor, the complainant is to report the matter to the Human Resources Director or designee.
3. Employees who witness prohibited actions of harassment, discrimination or retaliation are required to report such conduct. Employees are required to cooperate in investigations related to this policy by coming forward with evidence and fully and truthfully making a written report or verbally answering questions when requested by an investigator.

G. REPORTING COMPLAINTS

All complaints of harassment, discrimination or retaliation shall be reported to the immediate supervisor, Section Head, Division Director or the Human Resources Director or designee. All complaints of harassment, discrimination and retaliation will be thoroughly investigated as outlined in section 1-10-021 Complaint Policy.

Links: [Equal Employment Opportunity Commission Guidelines](#)

1-10-014 AMERICANS WITH DISABILITIES ACT

It is the policy of the City not to discriminate against qualified individuals with disabilities in its hiring or employment practices such as advancement,

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discharge, compensation, training or other terms, conditions, and privileges of employment. The Americans with Disabilities Act (ADA) and subsequent Americans with Disabilities Amendments Act (ADAA) require employers to reasonably accommodate qualified individuals with disabilities.

The City shall not ask a job applicant about the existence, nature, or severity of a disability or medical condition. Applicants may be asked about their ability to perform specific job functions. Job specific medical examinations or inquiries may be made, but only after a conditional offer of employment is made and only if required of all applicants for the position.

The City shall make reasonable accommodations for the known physical or mental limitations of a qualified applicant or employee with a disability upon request, unless the accommodation would cause an undue hardship on the operation of the City's business. To the extent its selection criteria for employment decisions have the effect of disqualifying an individual because of disability; those criteria must be job-related and consistent with business necessity. Employees' medical information shall be maintained separately from personnel files and protected by confidentiality.

In order to meet the federal and state mandated requirements relating to the Rehabilitation Act of 1973, Americans with Disability Act (ADA) and its amendments, the following internal process will be used.

A. DEFINITIONS

1. "Disability" refers to a physical or mental impairment that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, learning or working.
2. "Direct threat to safety" means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.
3. "Qualified individual with a disability" means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for.

B. REASONABLE ACCOMMODATION

Prospective or current employees of the City of Flagstaff may request that the City undertake a "reasonable accommodation" evaluation. The purpose of the evaluation is to determine if the qualified individual with a disability is able to perform the essential functions of the job for which they are an applicant or currently hold without creating an undue hardship on the City.

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1. Any persons having a disability, or acting on behalf of a person having a disability, may file a City of Flagstaff Request for Reasonable Accommodation (RRA). If the RRA form is unavailable, the correspondence to the City must include the following information:
 - a. Name of the person making the inquiry;
 - b. Telephone number of the person making the inquiry;
 - c. Address of the person making the inquiry;
 - d. Name of the person for whom the accommodation is being requested;
 - e. Nature of disability involved;
 - f. Position for which the request for reasonable accommodation is being made;
 - g. Length of current disability; and
 - h. Work related needs according to the disabled individual.
2. The City will reasonably accommodate qualified individuals with a disability so they can perform the essential functions of the job. An individual who can be reasonably accommodated for a job, without undue hardship to the organization, will be given the same consideration for the position as any other applicant.
3. All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace that cannot be eliminated by reasonable accommodation will not be hired. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave, paid or unpaid depending on the circumstances, until an organizational decision has been made in regard to the employee's immediate employment situation.
4. Upon receipt of the request for a reasonable accommodation, the Human Resources Director or designee will provide a copy of the employee's current job description and request that the employee review this with their treating physician in order to confirm the limitations of the employee.
5. Upon receipt of the employee's limitations, the Human Director or designee will meet with the person making the inquiry. The Human Resources Director or designee will inform the inquiring person in writing

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of the outcome of this request. This written notice will be mailed to the address of the person making the inquiry as listed on the RRA form unless otherwise requested.

6. The City will attempt to resolve all requests for reasonable accommodation within thirty (30) calendar days of the receipt of the RRA form or letter.
7. The City may review the status of an accommodation in circumstances where the disability is not deemed permanent.

C. RECORDS

Medical information obtained concerning individual requests for disability accommodation shall be kept confidential, except for the following circumstances:

1. Supervisors or managers may be informed regarding restrictions concerning the work or duties of disabled individuals, and regarding necessary accommodation needs.
2. First aid and safety staff may be informed when and to what condition might require emergency medical treatment.
3. Government officials investigating compliance shall be informed.

Form(s): [Request for Reasonable Accommodation](#)

Links: [Rehabilitation Act of 1973](#)
[Americans with Disability Act](#) of 1990
[Americans with Disability Amendments Act](#) of 2008

1-10-021. COMPLAINT PROCEDURE

The purpose of the complaint procedure is to outline reporting procedures for City employees or non-City employees who feel they have been subjected to harassment, discrimination or retaliation. All complaints of harassment, discrimination or retaliation will be thoroughly investigated in a timely manner.

It is the policy of the City of Flagstaff that there is fair treatment in workplace matters. Unlawful discrimination, harassment, and retaliation shall not be tolerated.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment, discrimination or retaliation. The City requires the prompt reporting of complaints or concerns within six months of the event which is the subject of the complaint, so that rapid

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and constructive action can be taken. The City will make every effort to stop alleged harassment before it becomes severe or pervasive, but can only do so with the cooperation of its employees.

Employees who are unsure if treatment rises to the level of harassment, discrimination or retaliation may seek the assistance of the Human Resources Director or designee. The Human Resources Director or designee will discuss the situation with the employee and provide guidance. These conversations will be documented by the Human Resources Director or designee and may remain informal and confidential between the employee and the Human Resources Director or designee, unless the treatment is severe and pervasive. This provides an employee the opportunity to understand how treatment may relate to City policies and state or federal laws and what are appropriate next steps.

A. REPORTING

1. Employees who feel they have been subjected to harassment, discrimination or retaliation are encouraged to try and solve the problem directly by politely and firmly confronting the individual and tell them to stop. If the employee is not comfortable doing this they should take the issue to their immediate supervisor, Section Head, Division Director, or Human Resources.
2. The City of Flagstaff requires the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced conduct that they believe is contrary to the City's policy or who have concerns about such matters should file their complaints with their immediate supervisor, Section Head, or Division Director, or the Human Resources Director or designee before the conduct becomes severe or pervasive. Individuals should not feel obligated to file their complaints with their immediate supervisor first before bringing the matter to the attention of one of the other City designated representatives above.
3. Employees filing a complaint will be encouraged to provide a written and/or recorded statement about their knowledge of the alleged incident. Verbal complaints will be treated with equal seriousness. However, in order to conduct a thorough investigation, the reporting party is encouraged to submit written documentation. The employee or non-City employee should be prepared to provide the following information:
 - a. His or her name, division and position title;
 - b. The name of the person or persons committing the harassment, discrimination or retaliation and their job title;

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- c. The specific nature of the harassment, discrimination or retaliation, how long it has gone on, specific dates and any employment action taken against you or any threats made against you as a result of the harassment, discrimination or retaliation;
 - d. Witnesses to the harassment, discrimination or retaliation;
 - e. Whether you have previously reported such harassment, discrimination or retaliation and, if so, when, to whom and what happened as a result of that report.
4. Any supervisor who becomes aware of possible harassment, discrimination or retaliation of an employee, either as a result of having received a complaint directly from the employee, from any reliable source of information or from his or her personal observation, must report the situation in writing to the Human Resources Director or designee immediately. Any manager or supervisor who fails to report harassment, discrimination or retaliation may be subject to discipline, up to and including termination.

B. THE INVESTIGATION

- 1. The Human Resources Director or designee shall be responsible for overseeing the investigation and all resulting records. The Human Resources Director or designee may delegate the investigation to another City employee or third party agent at his or her discretion. In the event the complaint is against a member of the City Council or a Council appointed position such as the City Manager, City Attorney or Presiding Magistrate, the investigation shall be referred to an outside agency. In the event the complaint is against the Human Resources Director, the investigation will be referred to the City Manager or their designee.
- 2. Any reported allegations of harassment, discrimination or retaliation will be investigated promptly, thoroughly and impartially. The investigation may include individual interviews with parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.
- 3. Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.
- 4. Based upon the investigator's report, the Human Resources Director or designee and/or the City Manager or designee shall, within a reasonable amount of time, determine whether the conduct of the person against

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whom a complaint has been made constitutes a violation of the City's policies.

5. Following the investigation of a complaint, the Human Resources Director or designee shall report the facts of the investigation to the City Manager or designee and the Division Director. In cases where it is determined a violation has occurred, the City will take appropriate disciplinary action up to and including termination.

C. RESPONSIVE ACTION

1. Misconduct constituting harassment, discrimination or retaliation will be dealt with promptly and appropriately.
2. Responsive action may include, for example, training, referral to counseling, monitoring of the offender and/or disciplinary action such as a verbal warning, reprimand, withholding of a promotion or pay increase, reduction in wages, demotion, reassignment, temporary suspension without pay, or termination, as the City believes appropriate under the circumstances to correct and prevent harassment, discrimination or retaliation.
3. If an employee making a complaint does not agree with the resolution, the employee may formally appeal in writing to the City Manager or designee within five (5) working days.

D. RECORDS

Complaint records will not be filed or maintained with any other employment information concerning employees, but will be kept as a distinct system of records. If a complaint results in disciplinary action against an employee, the record of that action will be maintained with the employee's personnel records. The accessibility of investigation records will be limited to the City Manager, Deputy City Manager or appointed representatives; except to the extent required by law. Upon receipt of a public records request, the Human Resources division or City Clerk section will notify the complaining employee and subject of the complaint of the request.

1-10-022. GRIEVANCE PROCEDURE

Any alleged violation of a specific City provision is subject to review through the grievance procedure, excluding dismissal, demotion and suspension of ten (10) days or more. Dismissal, demotion and suspension of ten (10) days or more are covered by section 1-10-040 Personnel Board.

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Employees are encouraged to first discuss an alleged policy violation with their immediate supervisor, as appropriate, before filing a grievance. If the alleged policy violation involves the employee's immediate supervisor or is not resolved with the immediate supervisor, the employee may approach the next level of supervision up to the Division Director without formally filing a grievance in writing. These informal discussions shall not be deemed a grievance.

Once an alleged policy violation is submitted in writing it is considered a grievance.

The time limits specified in the grievance process may be waived at any time by mutual consent of the parties. A grievance may be terminated at any time in the process with a signed written request from the employee.

A. FILING PROCESS

1. An employee initiates the grievance process by submitting the alleged violation in writing to their immediate supervisor. The grievance must be initiated within twenty (20) calendar days of the incident that gave rise to the grievance.
2. The grievance shall be signed by the employee, and must include the following information:
 - a. A clear and concise statement of the alleged policy violation and the facts upon which it is based;
 - b. The section(s) of the City of Flagstaff Employee Handbook of Regulations or other City policy that was violated; and
 - c. The remedy requested.

B. RESPONSE PROCESS

1. The supervisor shall notify the Section Head, Division Director and Human Resources Director or designee of the grievance and consult with these parties before their response.
2. The supervisor may meet with the employee prior to the response in order to seek clarification.
3. The response to a grievance shall be in writing, signed by the supervisor, and include the following information:
 - a. A clear and concise response to the grievance and the facts upon which it is based;

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- b. The section(s) of the City of Flagstaff Employee Handbook of Regulations or other City policy which apply to the grievance and basis for the decision; and
 - c. Denial or acceptance of the proposed remedy or alternative. The supervisor shall include information regarding the next steps in the process, if denying the remedy or alternative.
4. The supervisor shall meet with the employee to discuss the grievance response within five (5) working days after the grievance is initiated.

D. APPEAL PROCESS

1. After receiving the written response from the supervisor, if the employee does not feel the grievance is satisfactorily resolved, the employee may file an appeal with the next level of supervision within five (5) working days in writing and shall include the reason for the appeal and why the previous response was unsatisfactory.
2. The next level of supervision shall discuss the grievance with the employee within five (5) working days, gather information from others involved or having information pertinent to the issue, and then shall provide a written response to all parties within five (5) working days of the meeting. This appeal process will continue through the chain of command to the City Manager.
 - a. At each succeeding step the employee shall state in writing the reason for his or her appeal and why the previous response was unsatisfactory.
 - b. At each succeeding step the supervisor or manager shall respond in writing to the grievance stating the reason and basis for the decision that was rendered.
 - c. The decision of the City Manager is final.
3. All grievance documents should be forwarded to the Human Resources office for record retention.

1-30-060. PROBATIONARY PERIOD

The probationary period is the initial period of adjustment when the employee is learning about the City and their new position and the employee is provided with training and guidance from their supervisor.

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- A. Probationary periods are designed to provide a reasonable amount of time to evaluate an employee's performance.
 - 1. Non-exempt non-commissioned employees will serve a six month probationary period.
 - 2. Non-exempt Municipal Court and non-exempt commissioned employees will serve a one year probationary period. The probationary period for Police Officers will begin after the completion of the Field Training Officer (FTO) Program.
- B. Probationary period may be extended by no more than six (6) months per section 1-30-061.B Performance Evaluation System Probationary Evaluation.
- C. Upon successful completion of a probationary period, a non-exempt employee shall be granted tenured status in the position in which the probationary period is served.
- D. Time spent serving as a temporary employee will not count towards the probationary period.
- E. The appropriate Division Director may dismiss the probationary employee at any time during the probationary period when the employee is not progressing or performing satisfactorily per section 1-40-122 Dismissal of Probationary Employee.

1-40-122 DISMISSAL OF PROBATIONARY EMPLOYEES

A non-exempt employee may be dismissed while on probation when the employee is not progressing or performing satisfactorily and the supervisor has made a reasonable effort to coach the employee and ensure he or she understand the expectations of the position.

A. DISMISSAL PROCESS

- 1. The supervisor will recommend the termination of the probationary employee to the Division Director.
- 2. Upon approval from the City Manager or designee, the Division Director will meet with the employee to notify them of the dismissal and provide written notification of dismissal for the employee to acknowledge.

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3. The Division Director will notify the Human Resources Director and Payroll immediately.
4. The written acknowledgment will be placed in the employee's personnel file.
5. Payroll will provide the employee's last paycheck within three days of the notice of dismissal.

B. Employees who are dismissed while completing their probation do not have access to the Personnel Board or the formal grievance procedure.

1-30-061 PERFORMANCE EVALUATION SYSTEM

The performance evaluation system enables the creation of reasonable performance expectations by the supervisor and the employee. The formal evaluations of the employee's work behavior helps the employer and the employee build on the strengths of the employee and identify those areas the employee needs improvement to be more effective and efficient in their job.

A. EVALUATION PROCESS

1. The supervisor will prepare the evaluation based on the review of the following items:
 - a. A comparison of the employee's performance with the performance expectations established upon the employee's date of hire or the previous year's evaluation;
 - b. The duties and responsibilities of the employee's position; and
 - c. Supervisory notes taken during the evaluation period.
2. The supervisor's evaluation should be based on an employee's actual performance and not on personal prejudice, bias or favoritism.
3. The supervisor will notify the employee of their evaluation meeting at least one (1) week in advance.
4. The supervisor will request the employee complete the pre-review input form. This allows the employee an opportunity to present his or her accomplishments for the year and assist the supervisor in completing the performance evaluation.

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5. The supervisor will meet with the employee to review the performance evaluation. The supervisor will discuss the employee's strengths, areas of improvement with suggestions for improvement and expectations and goals for the upcoming year.
6. Any evaluations completed by a supervisor and signed by the employee will be filed in the employee's personnel file. If the employee refuses to sign the supervisor will write "employee refused to sign" and the evaluation will be filed in the employee's personnel file.
7. An employee may attach a written statement to any evaluation to be placed in their 201 file.

B. PROBATIONARY EVALUATION

1. All non-exempt employees will be evaluated during their probationary period to ensure satisfactory performance based on the following schedule:
 - a. A non-commissioned non-exempt employee shall be evaluated at three and six months from their date of hire.
 - b. A non-exempt employee of the Municipal Court shall be evaluated at four, eight and twelve months from their date of hire.
 - c. A commissioned non-exempt employee shall be evaluated at three, six, nine and twelve months from their date of hire. Except Police Officers who shall be evaluated at three, six, nine and twelve months after their completion of the Field Training Officer (FTO) Program.
2. The probationary evaluation schedule may be extended up to six months by completing the following process:
 - a. The supervisor submits a request in writing outlining the reason for and length of the probationary period extension and the request is approved by the Section Head, Division Director, Deputy City Manager and Human Resources Director prior to the end of the probationary period.
 - b. The supervisor notifies the employee in writing the probationary period has been extended and the employee acknowledges by signing the written document.
 - c. The employee acknowledgement is filed in the employee's personnel file.

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- d. Another performance evaluation is completed before the end of the extended probationary period.
3. An employee is deemed to have satisfactorily completed the probationary period when an extension is not requested prior to the end of the probationary period.
4. An employee who does not perform satisfactorily during the probationary evaluation period may be discharged per section 1-40-022 Dismissals of Probationary Employees.
5. Exempt employees do not serve a probationary period, thus a probationary evaluation is not required.

C. ANNUAL EVALUATION

1. After an employee has completed the probationary evaluation or administrative evaluation period, the rating period shall be annually upon the employee's hire or classification date.
2. Exempt evaluations shall be completed by July 1st of each year.
3. Upon budgetary approval non-exempt and exempt employees with an overall evaluation score of five (5) or above will receive a merit increase, except when the employee is at the maximum of the pay range. A non-exempt pay merit increase is movement to the next step in the pay range. An exempt merit increase is equal to 3.2% of the employee's current salary.
4. Council appointed employee evaluations shall be completed on the anniversary of and prior to the end of the service agreement.
5. Additional evaluations may be required upon request from the immediate supervisor.

D. ADMINISTRATIVE EVALUATION

1. Non-exempt and exempt employees who are promoted, demoted, transferred, or voluntarily reassigned to another position are subject to an administrative evaluation based on the following schedule:
 - a. A non-commissioned non-exempt employee shall be evaluated at three and six months from their date of promotion, demotion, transfer, or voluntary reassignment to another position.

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- b. A non-exempt employee of the Municipal Court shall be evaluated at four, eight and twelve months from their date of promotion, demotion, transfer or voluntary reassignment to another position.
 - c. A commissioned non-exempt employee shall be evaluated at three, six, nine and twelve months from their date of promotion, demotion, transfer or voluntary reassignment to another position.
2. An employee who does not perform satisfactorily during the administrative evaluation period may be returned to their previous position, provided a vacancy exists. Should no vacancy exist at the time, the employee shall be recommended for termination . The employee is eligible to request a hearing before the Personnel Board per section 1-10-40.C Personnel Board Request for Hearing.
- 3 .Additional administrative evaluations may be required upon request from the immediate supervisor.

Forms: Performance Evaluation
Performance Evaluation Handbook

1-40-050. REDUCTION IN FORCE

A. A layoff may occur when one or more of the following conditions exist:

- 1. Shortage of work or funds,
- 2. Material change in duties or organization,
- 3. Business necessity,
- 4. No longer will be providing the service, or
- 5. Other appropriate reasons as determined by the City Manager.

B. REDUCTION PROCESS

- 1. The City Manager or designee shall determine the specific position, job family and/or single classification targeted for reduction.
- 2. The City's first preference is to reduce its workforce through voluntary options such as internal reassignment and natural attrition. When these options are insufficient to meet the City's needs, individual positions will be eliminated.

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3. When there is more than one employee in the position identified for reduction, the immediate supervisor will use the performance matrix to determine which employee(s) will be part of the reduction.
4. The matrix results will be reviewed and approved by the Section Head, Division Director, Human Resources Director or designee and the City Manager or designee.
5. Once a decision has been made, the immediate supervisor and the Human Resources Director or designee will meet with the employee. The employee will be provided information on the placement process, job placement assistance and the Employee Assistance Program.
6. An employee will be notified at least ten (10) working days in advance of a reduction in force.
7. Human Resources will provide the employee with information relating to benefits, retirement and unemployment.
8. The City Manager will determine when a severance agreement will be offered as part of a reduction in force. Any severance agreements will be mailed to the employee's home address via certified mail within forty-five (45) calendar days of a reduction in force.
9. Employees who are part of a reduction in force and in good standing will remain on the City's re-employment list for one year from the date of reduction.

C. PERFORMANCE MATRIX

To determine objectively which employees are to be part of a reduction in force, the following factors will be used on a division basis:

1. Length of continuous service with the City.
 - a. Tenured part-time employees years of service will be pro-rated based on the number of hours worked. For example, a 20-hour per week employee would receive one-half (0.5) a year of service for twelve (12) months of work.

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- b. Length of service should be based on the following scale:

<u>Years of Service</u>	<u>Performance Matrix Score</u>
1 to 5 years	1
6 to 10 years	2
11 to 15 years	3
16 to 20 years	4
21 or more years	5

2. Employee skills, training, and job knowledge as determined by their three (3) most current annual evaluations.
 - a. The annual evaluations must have been given by the employee's current division, previous evaluations should not be considered.
 - b. If the employee has not received an annual evaluation or has less than three annual evaluations, the supervisor should use the most recent evaluations on file.
3. Any performance documented outside of the most recent evaluation such as disciplinary actions, letters of commendation or awards may be included in the performance matrix scoring. If the performance had not been documented, it should not be included.
4. The supervisor's evaluation should be based on an employee's actual performance and not on personal prejudice, bias or favoritism.

D. PLACEMENT PROCESS

1. The employee will complete the personal skills inventory form indicating their skills, abilities and education and what type of work they are interested in pursuing.
2. Human Resources will review the personal skills inventory form and will contact employees as funded position become vacant.
3. If there is more than one employee in the reduction in force that meet the minimum qualification, there will be a competitive process to determine who is the most qualified candidate.
4. If there is only one employee in the reduction in force and a funded position become vacant within the same division, the Division Director may choose to offer the vacant position to the employee without a competitive process.

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5. If there is only one employee in the reduction in force and a funded position becomes vacant in another division, the employee will interview with the hiring supervisor.
 - a. If an employee meets the minimum qualifications of the position or has the ability to meet the minimum qualifications within a six (6) month period, the employee may be offered the position.
 - b. If the employee does not meet the minimum qualification of the position or will not have the ability to meet the minimum qualification of the position, the position will be opened up for a more competitive recruitment process.

Forms: Reduction in Force Matrix
Personal Skills Inventory Form